

Message Text

CONFIDENTIAL

PAGE 01 STATE 213559

66

ORIGIN PM-04

INFO OCT-01 EUR-12 ISO-00 L-03 AF-08 DODE-00 MC-02 SS-15

NSC-05 CIAE-00 INR-07 NSAE-00 /057 R

DRAFTED BY PM/SAS: RWSMITH:KLW

APPROVED BY PM/SAS: DJJAMES

EUR/WE - MR. LIMPRECTH

AF/W - MR. KILLION

L/PM - MR. MICHEL

----- 022261

P 272028Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY MADRID PRIORITY

INFO CINCEUR PRIORITY

C O N F I D E N T I A L STATE 213559

E.O. 11652: GDS

TAGS: MASS

SUBJECT: THIRD PARTY TRANSFER, FMS ORIGIN MACHINE GUNS

1. MAURITANIA IS NOT ELIGIBLE UNDER THE ARMS EXPORT CONTROL ACT (AECA) FOR THE PURCHASE OF US DEFENSE ARTICLES AND SERVICES UNDER FOREIGN MILITARY SALES (FMS) PROCEDURES. SINCE THE US CANNOT ITSELF PROVIDE SUCH ARTICLES AND SERVICES THROUGH FMS AUSPICES, SECTION 3 OF THE AECA PROHIBITS US FROM APPROVING THEIR TRANSFER TO MAURITANIA FROM THIRD-PARTIES. SUCH THIRD-PARTY TRANSFERS, HOWEVER, COULD BE APPROVED ON A CASE-BY-CASE BASIS THROUGH THE MECHANISM OF A SECRETARIAL DETERMINATION (SD), WHICH WOULD HAVE TO JUSTIFY THE PROPOSED TRANSFER ON THE GROUNDS THAT IT WOULD "STRENGTHEN THE SECURITY OF THE UNITED STATES AND PROMOTE WORLD PEACE". FYI AN SD WAS OBTAINED EARLIER THIS YEAR IN ORDER TO APPROVE A REQUEST BY JORDAN THAT IT BE PERMITTED TO TRANSFER FMS-ORIGIN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 213559

US DEFENSE ARTICLES TO MAURITANIA END FYI.

2. AS ALSO REQUIRED BY SECTION 3 OF THE AECA, WE WOULD THEN NEED TO INFORM THE CONGRESS IN ADVANCE OF OUR INTENTION TO APPROVE THE PROPOSED TRANSFER. SUCH NOTIFICATION MUST LAY BEFORE CONGRESS FOR 30 DAYS

BEFORE WE COULD PROVIDE FINAL CONSENT TO THE TRANSFER. AN ADDITIONAL REQUIREMENT WOULD BE THE RECEIPT OF TRANSFER ASSURANCES FROM MAURITANIA (AS IN THE JORDAN CASE).

3. US STATUTES DO NOT PROHIBIT US FROM CONSIDERING APPROVALS OF PURELY COMMERCIAL SALES OF DEFENSE ARTICLES AND SERVICES TO MAURITANIA OR THIRD-PARTY TRANSFERS OF COMMERCIAL-ORIGIN MILITARY EQUIPMENT. IN THOSE CASES, WE WOULD NOT NEED TO OBTAIN AN SD OR TO INFORM THE CONGRESS IN ADVANCE OF OUR APPROVAL.

4. DEPARTMENT IS UNDERTAKING STEPS TO INITIATE AN SD IN ORDER TO PROCESS THE SPANISH REQUEST. AS PROCEDURES OUTLINED ABOVE SUGGEST, HOWEVER, IT WILL TAKE SOME TIME BEFORE WE CAN PROVIDE THE GOS WITH FINAL USG CONSENT TO THAT REQUEST. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, EXPORTS, ARMS, MILITARY SALES
Control Number: n/a
Copy: SINGLE
Draft Date: 27 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE213559
Document Source: CORE
Document Unique ID: 00
Drafter: RWSMITH:KLW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760328-0026
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760811/aaaaaixo.tel
Line Count: 84
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2004 by MartinML>; APPROVED <07 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: THIRD PARTY TRANSFER, FMS ORIGIN MACHINE GUNS
TAGS: MASS, SP, US
To: MADRID
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006